

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**THOMAS E. PEREZ, SECRETARY OF
LABOR, UNITED STATES
DEPARTMENT OF LABOR,**

Plaintiff,

v.

**WPN CORPORATION, RONALD
LABOW; SEVERSTAL WHEELING,
INC. RETIREMENT COMMITTEE;
MICHAEL DICLEMENTE; DENNIS
HALPIN; WHEELING CORRUGATING
COMPANY RETIREMENT SECURITY
PLAN; AND) SALARIED EMPLOYEES'
PENSION PLAN OF SEVERSTAL
WHEELING, INC.,**

Defendants.

Civil Action No. 14-1494

ORDER

AND NOW, this 7th day of June, 2017, upon consideration of defendants Severstal Wheeling, Inc. Retirement Committee, Michael DiClemente, and Dennis Halpin's Motion to Dismiss and, in the alternative, Motion for Summary Judgment (Docket No. 124), and for the reasons set forth in the accompanying opinion, IT IS HEREBY ORDERED that the motion is granted in part, and denied in part, as follows:

1. The Motion to Dismiss is GRANTED as to Plaintiff's failure to invest.
2. The Motion to Dismiss is GRANTED as to Plaintiff's co-fiduciary liability claim.
3. The Motion to Dismiss is DENIED as to Plaintiff's failure to monitor claim.
4. Defendants' alternative Motion for Summary Judgment is DENIED.

It is further ordered that Plaintiffs are permitted leave to amend the Amended Complaint consistent with this Opinion no later than 21 days after entry of this Order, *i.e.*, on or before **June 28, 2017**.

It is further ordered that a Status Conference be convened in this case on **July 5, 2017 at 3:00 p.m. .**

By the Court:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge